



6.2 2018 SUPPLEMENTAL RECOMMENDATIONS

Year	#	Recommendation	FGIS Response	Status
2018	01	<p>The Department should continue to evaluate the newly-established disciplinary process and determine whether it is properly tailored to achieve the Department's objectives. FGIS met with the Department's Command Staff in March 2018 and observed a healthy dialogue regarding developing a method to ensure the disciplinary process is functioning effectively. Members of the Command Staff agreed to network with other Departments in order to identify best practices. Outside counsel and the Office of the City Attorney agreed to participate in this process. Although the Chief was open to considering modifications to the current policy, he is adamant that he will not allow the Department to take any steps that risk any erosion to the Department's stringent requirement that officers conduct themselves professionally. FGIS notes that it is essential that any modification of general orders or policies regarding issues presenting liability risks or concerns should be done in consultation with the City Attorney and outside counsel.</p>	<p>A review of Internal Affairs Investigations and interviews of personnel revealed that concerns and friction caused by the new policies have greatly diminished as the command staff and many officers have observed improvements in the disciplinary process. Additionally, block training provided by the PSS has helped to educate personnel regarding internal affairs purposes and processes. As a result, FGIS will no longer monitor 2018 supplemental recommendation #1.</p>	<p>Implemented – To be removed from future reviews</p>
2018	02	<p>With the guidance of outside counsel and the City Attorney, the Department should consider whether to generate and circulate to all employees a semi-annual report that describes the categories of disciplinary actions that were affirmed by the Department and an arbitrator. If appropriate, the Department should provide an explanation regarding the basis for any differences in the severity of discipline imposed for similar violations of policy. This communication would help to dispel rumors that are based on inaccurate facts and would serve as an alert to employees regarding the types of conduct to avoid and potential consequences.</p>	<p>The annual report released by the Administrative Bureau contains information regarding disciplinary actions. The document is available online to members of the Department as well as to the general public. Additionally, once an internal affairs investigation is closed, any interested officer can view the entire investigation with his or her respective supervisor. This process presents an opportunity for education and transparency. FGIS will no longer monitor 2018 supplemental recommendation #2.</p>	<p>Implemented – To be removed from future reviews</p>
2018	03	<p>The Department should seek to improve communication with the public, City officials and the media regarding the handling of disciplinary matters, and to increase awareness regarding the positive steps the Department has</p>	<p>As stated previously, the Department needs a stronger public information program. In the past, members of the public, media and City officials gained access to restricted information regarding ongoing</p>	<p>In Progress – FGIS to continue monitoring</p>



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		<p>taken. Through this effort, it will provide an opportunity for those who truly wish to improve public and police safety to participate in this process.</p>	<p>investigations. Under the present administration, restricted information has been, for the most part, properly protected. Consequently, those seeking access to information that should not be released until an investigation has been concluded continue to use alternate means to attempt to gain access to restricted information. The Department needs an executive level leader who reports directly to the Chief to work with the City, public and the media to develop better partnerships, to share available information when appropriate, and to protect information when required by law or policy. FGIS will continue to monitor this recommendation.</p>	
2018	04	<p>In consultation with outside counsel, the Chief determined that the PSS should conduct all Administrative Investigations and Internal Affairs Investigations in order to ensure compliance with the process required by the Officer's Bill of Rights, including disclosures to the subject officer and recording procedures. Given the importance of adhering to the procedures, FGIS concurs that the best practice is to assign all of these investigations to the PSS. However, consideration should be given to determining whether there are Preliminary Assessments that could be addressed by the officer's chain of command while striking an appropriate balance and ensuring that legitimate complaints continue to be properly assessed. As stated in Phase II Quarter 1 Recommendation #1, it is essential that any modification of general orders or policies regarding issues presenting liability risks or concerns is done in consultation with the City Attorney and outside counsel.</p>	<p>Inasmuch as the present process is working, and FGIS assesses the existing policy is effective, this recommendation will no longer be monitored.</p>	<p><i>Implemented – To be removed from future reviews</i></p>
2018	05	<p>Inasmuch as the Chief of Police is the only person with authority to approve the initiation of an Internal Affairs investigation, it is imperative that all subordinates enforce the Chief's interpretation of whether or not conduct violates policy. Uniform interpretation and enforcement of policy is essential to the credibility of the disciplinary process.</p>	<p>The present process is working and FGIS assesses the existing policy is effective and this recommendation will no longer be monitored.</p>	<p><i>Implemented – To be removed from future reviews</i></p>



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2018	06	The Command Staff should seek guidance from outside counsel, the City Attorney and similarly situated Florida police departments to determine whether to recommend to the Chief clear guidelines establishing the proper chain of command to counsel officers who have not violated policy, but whose mannerisms unnecessarily cause complaints against them.	In 2019, the Department established a policy that any commanding officer has the authority to counsel subordinate officers, whether or not the officer is within his or her chain of command. Officer and supervisor accountability requires sustained vigilance and the concerns identified in 2018 regarding officer supervision will continue to be monitored.	<i>Implemented – To be removed from future reviews</i>
2018	07	Given the high-risk nature of the mission of the SED, routine monitoring is essential to prevent the development of practices and habits that could undermine the mission of the SED and lead to a lack of trust on the part of the public, prosecutors, judges and jurors. During the 2018 First Quarter review, FGIS was asked by the Chief to review transcripts of arbitration hearings regarding the termination of two officers. The terminations were the result of conduct that occurred in 2015 and 2016. The review revealed that past practices of the now disbanded Special Investigations Group (“SIG”) require additional review of policies, procedures and training regarding proper investigative procedures. The review should include but not be limited to the following issues: use of Confidential Human Sources (CHSs), undercover operations, controlled evidence purchases, documentation of investigative steps, recording and preservation of evidence, with an objective towards preparing cases that are constitutionally sound and result in convictions of the guilty. Additionally, FGIS recommends training to be conducted by prosecutors concerning developing cases that are constitutionally sound and that comply with discovery obligations. Such training will be essential to the performance of the SED.	In 2018, the Department initiated an ongoing review of policies and procedures in order to implement measures to reduce the risks associated with the mission of the SED. The Department hired a very experienced Accreditation Manager to assist with CALEA certification. Additionally, the Chief advised that he is working with the City to engage an outside consultant with significant experience prosecuting drug, gun and gang investigations, supervising undercover operations, personnel and CHSs. FGIS will review the SED in 2019.	<i>Partially Implemented – FGIS to continue monitoring</i>